IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

RP.No. 401 of 2007()

(AGAINST JUDGMENT DATED 27.3.2007 IN W.A.NO.800/2007)

REVIEW PETITIONER/APPELLANT

M/S.SAFE CARE RUBBER PRODUCTS PVT.LTD
REGD OFFICE AT PLOT NO.19, COCHIN SPECIAL
ECONOMIC ZONE, KAKKANAD, KOCHI-37.
REPRESENTED BY ITS DIRECTOR GEORGEKUTTY MANUAL.

BY ADV. SRI.V.M.KURIAN

RESPONDENTS/RESPONDENTS
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1. RUBBER BOARD, SUB JAIL ROAD KEEZHKUNNU,
KOTTAYAM, REP. BY ITS SECRETARY.

2. THE DEPUTY DIRECTOR (ED),
RUBBER BOARD, P.B.NO.1122,
SUB JAIL ROAD, KOTTAYAM - 686 002.

3. THE DEVELOPMENT COMMISSIONER,
COCHIN SPECIAL ECONOMIC ZONE,
DEPARTMENT OF COMMERCE, GOVERNMENT OF INDIA,
MINISTRY OF COMMERCE & INDUSTRY, KAKKANAD,
KOCHI -37.

4. THE MANAGING DIRECTOR,
M/S.TABA GLOVES (P) LTD., PLOT NO.19,
COCHIN SPECIAL ECONOMIC ZONE, KAKKANAD,
KOCHI-17.

R1 BY ADV. SRI.JOSEPH MARKOSE, SC, RUBBER BOARD
R3 BY ASST. SOLICITOR GENERAL MR.JOHN VARGHESE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN, Ag.C.J. &
M.N.KRISHNAN, J.

R.P.No.401 of 2007 in
W.A.No.800 of 2007

Dated, this the 11th day of April, 2007

ORDER

Radhakrishnan, Ag.C.J.

Review petition has been preferred stating that this Court was not justified in disposing of the writ appeal directing the Registry to post the writ petition in the first week of April, 2007, since no prayer was made for early hearing of the writ petition. Prayer in fact made, says the counsel, was to examine the correctness or otherwise of the interim order passed by the learned Single Judge.

2. The writ petition was preferred seeking a writ of certiorari to quash Ext.P11 order dated 8th January, 2007 by which the application for licence was disposed of directing the petitioner to clear the cess arrears of Rs.18,33,629/- allegedly due from the additional 4th respondent. In Ext.P11 it is also stated that granting licence to the petitioner to run a factory at the very same premises using the machinery purchased from the defaulter is against the best interest of the exchequer. Further, it

is also stated that the Memorandum of Understanding dated 26th May, 2005 between the petitioner and 4th respondent proves that petitioner was well aware of the fact that 4th respondent was a defaulter of cess and that the contention that petitioner purchased the machinery from the Bank is also not sustainable on the face of the Memorandum of Understanding. The learned Single Judge after noticing that Ext.P11 is an interim order, directed the petitioner to pay Rupees three lakhs towards liability due from the additional 4th respondent, in which event it was also ordered that procurement licence shall be issued for a further period of two months. We found no infirmity in the order passed by the learned Single Judge warranting interference in appeal.

Review petition lacks merit and the same is dismissed.

K.S.RADHAKRISHNAN,
Ag.CHIEF JUSTICE.

M.N.KRISHNAN,
JUDGE.

vns